



DAN MORALES  
ATTORNEY GENERAL

Office of the Attorney General  
State of Texas

January 15, 1991

Mr. Robert E. Shaddock  
General Counsel  
State Department of Highways  
and Public Transportation  
DeWitt C. Greer State Highway Bldg.  
11th & Brazos  
Austin, Texas 78701-2483

OR91-028

Dear Mr. Shaddock:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 11239.

The State Department of Highways and Public Transportation [the department] received an open records request for "the Traffic Control Plan for the work that was being done around September 17, 1990 between mile post 307 and 308 on Interstate 20." You have demonstrated to this office that the requestor is an attorney who represents an individual who was injured in a motorcycle accident at the specified site on Interstate Highway 20 and that the requestor/attorney has served notice of claim against the department pursuant to the Texas Tort Claims Act. See Civ. Prac. & Rem. Code § 101.101. The information at issue clearly relates to reasonably anticipated litigation, see Open Records Decision No. 551 (1990); consequently the department may withhold the requested information at this time.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-028.

Yours very truly,

A handwritten signature in cursive script that reads "Susan Garrison".

Susan Garrison  
Assistant Attorney General  
Opinion Committee

SG/RWP/le  
Ref.: ID# 11239  
cc: W.T. Ley  
1706 S. Lamar Blvd.  
Austin, Texas 78704